

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, March 15, 2016

All Cases on Briefs

Before: **Batchelder, White, Lipman**

14-6255 USA v. Frank Pittro, Jr.

4:14-cr-00002-1 Eastern District of Tennessee at Winchester H. Mattice

Defendant appeals his conviction for being a felon in possession of a firearm. (To Be Submitted On Briefs)

15-1908 Carmita Lewis v. Charter Township of Flint, et al.

2:15-cv-11430 Eastern District of Michigan at Detroit A. Cohn

In this civil rights excessive-force action, defendant appeals the order denying an immediate ruling on his motion for summary judgment based, in part, on qualified immunity. (To Be Submitted On Briefs)

15-1568 USA v. Billy Chambers

4:13-cr-20684-1 Eastern District of Michigan at Flint L. Parker

Defendant appeals the judgment entered following his plea of guilty of possession of a firearm by a felon. (To Be Submitted On Briefs)

15-3861 Ronald Harris v. Robert Langley, et al.

1:14-cv-01502 Northern District of Ohio at Cleveland P. Gaughan

Defendant appeals the denial of his motion for summary judgment based on qualified immunity in this civil rights case alleging excessive force and unlawful seizure by Cleveland police officers. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Rogers, Berg**

15-1836 Renee Maat v. County of Ottawa, et al.[1:12-cv-01194](#)

Western District of Michigan at Grand Rapids

J. Neff

Plaintiff appeals the judgment for Defendants in this action alleging violation of federal and state disability laws. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

15-5744 Robert McKinney, et al. v. Lexington-Fayette Urban Cnty, et al.[5:12-cv-00360](#)

Eastern District of Kentucky at Lexington

K. Caldwell

Defendants appeal an interlocutory order of the district court denying, in part, their motion for summary judgment on the basis of qualified immunity in this civil rights action alleging deliberate indifference to serious medical needs and related claims. (15 Minutes Per Side).

15-3619 Brandon Hefferan, et al. v. Ethicon Endo-surgery Inc, et al.[1:14-cv-00911](#)

Southern District of Ohio at Cincinnati

T. Black

Plaintiffs appeal the dismissal based on the doctrine of forum non conveniens of their complaint seeking damages for injuries that occurred when the defendant's product was used during a medical procedure performed in Germany. (15 Minutes Per Side)

15-3311 USA v. Ronnie Smith[4:10-cr-00136-1](#)

Northern District of Ohio at Youngstown

S. Lioi

15-3312 USA v. Ronnie Smith[4:10-cr-00137-1](#)

Northern District of Ohio at Youngstown

S. Lioi

15-3313 USA v. Ronnie Smith[4:15-cr-00019-1](#)

Northern District of Ohio at Youngstown

S. Lioi

Defendant appeals the judgment entered and sentence imposed following his guilty plea to conspiracy to defraud the United States, uttering counterfeit securities, failure to appear at sentencing hearing, and 2 counts of being a felon in possession of a firearm and ammunition. (To Be Submitted On Briefs)

14-5727 USA v. John Nesler[2:07-cr-20348-1](#)

Western District of Tennessee at Memphis

J. McCalla

Defendant appeals the revocation of his term of supervised release. (To Be Submitted On Briefs)

15-3328 Ramon Amezola-Garcia v. Loretta E. Lynch

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Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture. (To Be Submitted On Briefs)

15-3563 Derek Smith v. Lerner, Sampson & Rothfuss, et al.[1:14-cv-02308](#)

Northern District of Ohio at Cleveland

D. Nugent

Plaintiff appeals the dismissal of his claims arising out of a foreclosure action brought against his property in Chagrin Falls, Ohio. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Boggs, Rogers, Berg**

15-5373 USA v. Brian Baker

6:12-cr-00051-4 Eastern District of Kentucky at London

A. Thapar

Defendant appeals his conviction for conspiracy to make false statements to acquire firearms, false statements in the purchase of firearms, disposing of a firearm to a convicted felon, and possession of an unregistered firearm. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, McKeague, Kethledge**

15-4061 Nikki Filicky v. American Energy - Utica, LLC

2:14-cv-02550

Southern District of Ohio at Columbus

G. Frost

Defendant appeals the summary judgment for plaintiff on her complaint seeking a declaration that defendant's oil and gas lease had terminated and that her property was released from the lease. (15 Minutes Per Side)

15-5801 Yulunda McAlister v. Liberty Life Assurance Co.

6:14-cv-00022

Eastern District of Kentucky at London

D. Bunning

Plaintiff appeals the summary judgment for Defendant in this action under the Employee Retirement and Income Security Act arising from the termination of her long term disability benefits. (15 Minutes Per Side)

15-3793 In re: United States

1:13-cv-00341

Southern District of Ohio at Cincinnati

S. Dlott

The Government petitions for a writ of mandamus, asking the court to compel the district court to vacate two orders directing it to produce certain confidential information contained in applications for tax-exempt status filed by third parties. (15 Minutes Per Side)

15-1665 Roger Lange v. Dan McGinnis, et al.

1:14-cv-00601

Western District of Michigan at Grand Rapids

R. Bell

Defendant McGinnis appeals the denial of qualified immunity on the plaintiff's Fourth Amendment claim arising from a warrantless search and seizure of personal items in plaintiff's workspace. (15 Minutes Per Side)

15-1931 Darryle Spencer v. Grand River Navigation Co

2:15-cv-11468

Eastern District of Michigan at Detroit

B. Friedman

D. Grand

Plaintiff appeals the dismissal of his action under the Jones Act for negligence and unseaworthiness and under admiralty law for maintenance and cure and the denial of his motion for reconsideration. (To Be Submitted On Briefs)

15-3752 Moises Vasquez-Lopez v. Loretta Lynch

a 090 612 484

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal and protection under the Convention Against Torture. (To Be Submitted On Briefs)

15-1656 USA v. Darin Robinson

2:12-cr-20418-2

Eastern District of Michigan at Detroit

S. Murphy

In this criminal action tried to the court, defendant appeals his conviction of conspiracy to possess with intent to distribute marijuana. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Siler, Cook, Donald**

15-1625 Isarel Flatford, et al. v. UAW, Local 663, et al.

[2:13-cv-14243](#)

Eastern District of Michigan at Detroit

M. Leitman

R. Whalen

Plaintiffs appeal the summary judgment for defendants in the labor action alleging hybrid section 301 claims and claims under state law. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

15-5884 Abdul Buridi v. Branch Banking and Trust Co

[3:12-cv-00486](#)

Western District of Kentucky at Louisville

D. Hale

Plaintiff appeals the judgment for Defendant in this diversity action, arising from losses sustained after entry into a guaranty agreement, alleging fraud and breach of contractual duty. (15 Minutes Per Side)

15-3923 Phillip Miller, et al. v. Walter Davis, III, et al.

[2:13-cv-00501](#)

Southern District of Ohio at Columbus

G. Frost

Plaintiffs appeal the summary judgment for the defendants on their claim for malicious prosecution and related causes of action arising in connection with their arrest, prosecution, and acquittal on theft charges. (15 Minutes Per Side)

15-5621 Satish Doshi, et al. v. General Cable Corporation, et al.

[2:14-cv-00022](#)

Eastern District of Kentucky at Covington

W. Bertelsman

In this securities fraud action, Plaintiff, on behalf of itself and others similarly situated, appeals the district court's order denying its motion to alter or amend the judgment and for leave to file an amended complaint. (15 Minutes Per Side)

14-6340 Drexel Chemical Company v. Albaugh, Inc.

[2:08-cv-02517](#)

Western District of Tennessee at Memphis

T. Pham

14-6363 Drexel Chemical Company v. Albaugh, Inc.

[2:08-cv-02517](#)

Western District of Tennessee at Memphis

T. Pham

Plaintiff appeals, and Defendant cross-appeals, the judgment for Plaintiff in this diversity action for breach of contract arising from the interpretation of an agreement related to the importation and sale of a pesticide. (15 Minutes Per Side)

14-2093 Arthur Shelton v. Greg McQuiggin

[2:10-cv-14741](#)

Eastern District of Michigan at Detroit

D. Lawson

In this appeal from the denial of a 28 U.S.C. Section 2254 habeas corpus petition, the appellant challenges the district court's rejection of his claim that trial counsel performed ineffectively by rejecting a plea offer without informing Shelton. (15 Minutes Per Side)

15-1875 Rebecca Hernandez v. Comm of Social Security

[1:14-cv-00958](#)

Western District of Michigan at Grand Rapids

E. Carmody

Plaintiff appeals the judgment affirming the denial of her claim for Supplemental Security Income benefits. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Siler, Cook, Donald**

15-5578 USA v. Rodney Henry

3:12-cr-00217-1 Middle District of Tennessee at Nashville

W. Haynes

Defendant appeals his conviction for sale of a firearm to a convicted felon and possession with intent to distribute and distribution of a detectable amount of morphine. (To Be Submitted On Briefs)

Wednesday, March 16, 2016

842 - 8th Floor East Courtroom, 9:00 A.M.

Before: **Batchelder, White, Lipman**

15-3386 Mohammad Galaria v. Nationwide Mutual Ins. Co.

[2:13-cv-00118](#)

Southern District of Ohio at Columbus

M. Watson

15-3387 Anthony Hancox v. Nationwide Mutual Insurance C

[2:13-cv-00257](#)

Southern District of Ohio at Columbus

M. Watson

Plaintiffs appeal the dismissal for lack of standing and failure to state a claim of their putative class action brought under the Fair Credit Reporting Act and the denial of their motion to alter or amend the judgment, for reconsideration, and leave to amend their complaint. (15 Minutes Per Side)

15-3356 USA v. Eric Spicer

[3:14-cr-00052-1](#)

Southern District of Ohio at Dayton

M. Barrett

Defendant appeals the denial of his motion for acquittal and his jury conviction and sentence for illegal possession of a machine gun and possession of a firearm not registered to him in the National Registration and Transfer Record. (15 Minutes Per Side)

15-3770 Santos Pagoada-Galeas v. Loretta Lynch

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Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal, protection under the Convention Against Torture, and his motion to remand. (15 Minutes Per Side)

15-5780 Azra Basic v. Timothy Steck

[5:12-cv-00274](#)

Eastern District of Kentucky at Lexington

K. Caldwell

In this appeal from the denial of a 28 U.S.C. Section 2241 habeas corpus petition, the appellant challenges the magistrate judges certification of her extradition to the Republic of Bosnia and Herzegovina under 18 U.S.C. Section 3184. (15 Minutes Per Side)

Wednesday, March 16, 2016

403 - 4th Floor Courtroom, 2:00 P.M.

Before: **Merritt, Rogers, Donald**

13-3968 Percy Hutton v. Betty Mitchell

1:05-cv-02391

Northern District of Ohio at Cleveland

C. Boyko

Petitioner, a state inmate on death row, appeals the denial of his petition for a writ of habeas corpus in which he alleges, inter alia, ineffective assistance of counsel during the penalty phase and prosecutorial misconduct. (30 Minutes Per Side)

Thursday, March 17, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Kethledge, Donald, Roth**

15-5739 Amanda Brown, et al. v. Blue Cross Blue Shield of TN

[1:14-cv-00223](#)

Eastern District of Tennessee of Chattanooga

C. Collier

Plaintiffs appeal the dismissal, for lack of subject matter jurisdiction, of their action for injunctive and declaratory relief under the Employee Retirement Income Security Act. (15 Minutes Per Side)

15-3485 Bernadette Rolen, et al. v. City of Cleveland, et al.

[1:12-cv-01914](#)

Northern District of Ohio at Cleveland

S. Oliver

The defendants appeal the denial of their motion for summary judgment on the basis of qualified immunity in this civil rights action arising from the shooting death of a suspect by Cleveland Police officers. (15 Minutes to be Shared by Defendants; 15 Minutes for Plaintiffs)

14-6227 Yaqob Thomas v. Joseph Meko

[5:11-cv-00148](#)

Eastern District of Kentucky at Lexington

H. Ingram

W. Bertelsman

Petitioner appeals a district court judgment dismissing as untimely his federal habeas petition filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-1347 D Boys LLC v. Mid-Century Insurance Company

[2:13-cv-11397](#)

Eastern District of Michigan at Detroit

B. Friedman

In this diversity, breach of insurance contract action, defendant appeals the summary judgment for plaintiff. (To Be Submitted On Briefs)

15-3865 Northwest Ohio Properties, Lt v. Lucas County, Ohio, et al.

[3:11-cv-01867](#)

Northern District of Ohio at Toledo

D. Katz

Plaintiff appeals the dismissal for lack of subject matter jurisdiction of its complaint alleging constitutional and state law violations stemming from the construction of a sewer line across plaintiff's property. (To Be Submitted On Briefs)

Thursday, March 17, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Keith, Cook, McKeague**

15-1040 Lou's Transport, Inc., et al. v. NLRB

07-ca-102517 National Labor Relations Board

15-1193 Lou's Transport, Inc., et al. v. NLRB

07-ca-102517 National Labor Relations Board

Petitioners seek review and the NLRB seeks enforcement of a decision of the Board finding violations of federal labor law. (15 Minutes Per Side)

14-1563 Kajuan Hale v. Sherry Burt

2:06-cv-14065 Eastern District of Michigan at Detroit A. Tarnow

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

15-1793 Scott Rowan v. Brookdale Sr Living Comm.

1:13-cv-01261 Western District of Michigan at Grand Rapids P. Maloney

In this diversity action asserting claims for gross negligence and fraud, plaintiff appeal the order compelling arbitration and dismissing his action. (15 Minutes Per Side)

14-5889 USA v. Yennier Gonzalez

2:10-cr-00011-1 Middle District of Tennessee at Cookeville W. Haynes

Appellant challenges the reasonableness of his fifty-two month prison sentence. (To Be Submitted On Briefs)

15-3824 Kenwanna Wheat v. Columbus Board of Education

2:13-cv-00819 Southern District of Ohio at Columbus E. Sargus

Plaintiff appeals the summary judgment for the defendant in this action alleging disability discrimination by her former employer. (To Be Submitted On Briefs)

15-3642 USA v. Kenneth Pinkney

1:14-cr-00233-1 Northern District of Ohio at Cleveland J. Adams

Defendant appeals his jury conviction and sentence for being a felon in possession. (To Be Submitted On Briefs)

Thursday, March 17, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Boggs, Siler, Batchelder**

15-5354 Appalachian Regional v. U.S. Nursing Corporation[7:14-cv-00122](#)

Eastern District of Kentucky at Pikeville

A. Thapar

Plaintiff appeals the dismissal for lack of subject matter jurisdiction of its action seeking declaratory judgment and injunctive relief, which arose from an insurance dispute in a state-court action. (15 Minutes Per Side)

15-3710 Tri-County Wholesale Dist, et al. v. Labatt USA Operating Co., LLC, et al.[2:13-cv-00317](#)

Southern District of Ohio at Columbus

A. Marbley

E. Deavers

15-3769 Tri-County Wholesale Dist, et al. v. Labatt USA Operating Co., LLC, et al.[2:13-cv-00317](#)

Southern District of Ohio at Columbus

A. Marbley

E. Deavers

Plaintiffs appeal and the defendants cross-appeal from the summary judgment finding that the defendants' termination of the plaintiffs' distribution franchises of certain brands of beer was proper and establishing the diminished value of the distributorships. (15 Minutes Per Side)

15-1375 Robert Tompos v. City of Taylor, et al.[4:13-cv-13580](#)

Eastern District of Michigan at Flint

D. Grand

L. Parker

In this employment discrimination action, plaintiff appeals the summary judgment for defendants on his claims that his termination violated his rights under the First Amendment. (15 Minutes Per Side)

15-6006 Monica Crox v. Unum Group Corp[1:14-cv-00254](#)

Eastern District of Tennessee of Chattanooga

H. Mattice

Plaintiff appeals the judgment for Defendant in this action brought under the Employee Retirement Income Security Act to challenge the denial of long-term disability benefits. (15 Minutes Per Side)

15-5548 USA v. Robert McNeese[2:12-cr-00016-1](#)

Eastern District of Tennessee at Greeneville

J. Greer

Defendant appeals his motion for reduction of sentence. (To Be Submitted On Briefs)

15-3951 James Hooker v. City of Toledo[3:14-cv-01131](#)

Northern District of Ohio at Toledo

J. Carr

Plaintiff appeals the summary judgment for the defendant in this civil rights case alleging that the defendant did not treat plaintiff equally with regard to promotion and terminated his employment in retaliation for filing a complaint with the Ohio Commission on Civil Rights and the EEOC. (To Be Submitted On Briefs)

15-3300 David B. Clinkscale v. Warden Lebanon Correctional[2:13-cv-01111](#)

Southern District of Ohio at Columbus

E. Sargus

Petitioner appeals the district court's judgment denying his petition for a writ of habeas corpus filed under 28 U.S.C. Section 2254. (To Be Submitted On Briefs)

Thursday, March 17, 2016

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Boggs, Siler, Batchelder**

15-1161 USA v. Jamar Quarles

1:14-cr-00029-1 Western District of Michigan at Grand Rapids R. Jonker

Defendant appeals the judgment entered following his plea of guilty to a charge of being a felon in possession of a firearm. (To Be Submitted On Briefs)

Thursday, March 17, 2016

842 - 8th Floor East Courtroom, 9:00 A.M.

Before: **Rogers, White, Hood**

15-3291 State of TN v. FCC, et al.

15-25 Federal Communications Commission

15-3555 State of North Carolina v. FCC, et al.

15-25 Federal Communications Commission

The State of Tennessee and the State of North Carolina petition for review of an order of the FCC pertaining to the operation of municipal electric plants. (15 Minutes to be Shared by Petitioners & Intervenors; 15 Minutes to be Shared by Respondents & Intervenors)

15-1863 Sarah Zeller, et al. v. Canadian National Railroad, et al.

5:13-cv-13729 Eastern District of Michigan at Ann Arbor J. O'Meara

Plaintiffs appeal the summary judgment for defendants in this action alleging sexual harassment in violation of Title VII and the Federal Employers Liability Act. (15 Minutes for Plaintiffs; 15 Minutes to be Shared by Defendants)

15-5762 Helane Miller v. Abbott Laboratories

3:14-cv-00363 Western District of Kentucky at Louisville J. McKinley

Plaintiff appeals the summary judgment for Defendant in this action for retaliation, under the False Claims Act and the National Defense Authorization Act, and related state-law claims. (15 Minutes to be Shared by Plaintiff; 15 Minutes for Defendant)

15-5693 David Hoschar, et al. v. Chris Layne, et al.

1:13-cv-00154 Eastern District of Tennessee of Chattanooga C. Collier
W. Carter

Plaintiffs appeal the summary judgment for Defendants in this civil rights action alleging false arrest and related claims. (To Be Submitted On Briefs)

Friday, March 18, 2016

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Kethledge, Donald, Roth**

15-1791 USA v. Dione Jones

4:14-cr-20464-1 Eastern District of Michigan at Flint

L. Parker

The government appeals the order suppressing evidence and statements. (15 Minutes Per Side)

14-3948 USA v. Nancy Sadler

1:10-cr-00098-1 Southern District of Ohio at Cincinnati

S. Beckwith

Following a remand for resentencing, defendant appeals the judgment entered and sentence imposed following her conviction for conspiracy to distribute controlled substances, maintaining a drug involved premises, and structuring financial transactions. (15 Minutes Per Side)

15-6042 USA v. Djelimadou Diabate

2:15-cr-00003-1 Eastern District of Kentucky at Covington

C. Smith

D. Bunning

Defendant appeals his judgment of conviction for hindering deportation proceedings. (To Be Submitted On Briefs)

15-3836 Omari Toyi v. Loretta Lynch

a098 157 322 Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding of removal, and protection under the Convention Against Torture. (To Be Submitted On Briefs)

Friday, March 18, 2016

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Rogers, White, Hood**

14-1869 Darrell Ewing v. USA

2:14-cv-11221

Eastern District of Michigan at Detroit

P. Duggan

Petitioner appeals a district court judgment denying his 28 U.S.C. Section 2255 motion to vacate, set aside, or correct sentence. (15 Minutes Per Side)

13-4353 USA v. Thomas Parenteau, et al.

2:08-cr-00180-1

Southern District of Ohio at Columbus

M. Watson

N. King

MKP Investment, LLC appeals the denial of its ancillary petition challenging the criminal forfeiture to the government of key man life insurance policies. (15 Minutes Per Side)

14-3047 USA v. Thomas Parenteau, et al.

2:08-cr-00180-1

Southern District of Ohio at Columbus

M. Watson

N. King

Petitioner Jeffrey S. Parenteau appeals the order denying and dismissing his petition to amend the order of forfeiture. (15 Minutes Per Side)